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MS SERIES.

G.O. No. Letter No. 5021

Dated 30-10-1947

[Despatch Abstract.]

Labour - Disputes - Appointment of High Court Judges as Industrial Tribunals for adjudication of major Industrial Dispute.

GOVERNMENT OF INDIA.
DEPARTMENT OF LABOUR.

No. LR - 60 (1) Dated New Delhi, the 12th July 1947.

From:

Rai Bahadur H. Khanna,
Deputy Secretary to the Government of India.

To:

The Secre ary to the Government of Madras,
Development Department, Madras.

Sub: Appointment of High Court Judges to Industrial Tribunals for dealing with major industrial disputes.

Sir,

In this department letter No. L.R. -2(69) dated the 14th November 1946, Provincial Governments were addressed on th subject of the constitution of panels of Adjudicators and Board of Conciliation for dealing with Industrial dis utes in the "Central" sphere, The disputes that the Government of India then had in mind were largely those which were not of major importance or of an all-India nature. In the cases of disputes of these categories, the Government of India consider it highly desirable that the Industrial Tribunals should consist of or be presided over by a sitting Judge of a High Court as was the case in the Posts and Telegraphs and Railway Disputes of last year when the Hon'ble Mr. Justice Rajadhaksha of the Hombay High Court was appointed Adjudicator. But experience has shown that there is considerable difficulty as well as delay in obtai ing at short notice the services of High Court Judges for such purposes and in settling the terms of their de utation, with the result that much precious time is lost before appropriate action is taken which in some cases prejudice the chances of amicable and early settlement. With a view therefore to ensure prompt action and prevent all avoidable delay, the Government o India are of the opinion that an understanding should be reache with the Provincial Governments that subject to the concurrence of the High Court concerned, one or two select High Court Judge will ordinarily be made available as and when required for appointment to Industrial Tribunals. Two such Judges will be required for the purpose as the settlement of major industrial disputes usually takes considerable time and on certain occasio it may be necessary to refer more than one dispute at the same time to an Industrial Tribunal. It will also be an advantage to settlem in advance the terms on which the services of these Judges will be made available. The procedure to be followed whenever their services are required will be that the Government of India wil make an enquiry by telegram from the Provincial Government concerned whether the services of the Judge or Judges as the case may be can be spared, it being assumed that the terms of appointment and other details will be on the lines already settled. With a rrangements on the above lines having been fixed up ~~for~~ beforehand, the interval between the decision to refer a dis ute to an Industrial Tribunal and the issue of the actual orders will, it is hoped, be shorthand very much.

2. I am to enquire whether the Government of Madras are ~~eligible~~ agreeable to the proposals contained in the preceding paragraph, and if so to request that the Government of India may be informed of the terms for the Judges who may be deputed for the purpose in view, if and when the occasion arises.

Ihave the hono r to be,
Sir,
Your most obedient Servant,
H. Khanna,
Deputy Secretary to the Government of India

Development Department.

Letter No. Ms. 5021, dated the 30th October 1947.

To

The Secretary to the Government of India,
Ministry of Labour.

Sir,

Sub: Labour - Disputes - Appointment of High Court Judges as Industrial Tribunals for adjudication of major industrial disputes.

Ref: Rai B hadur Khanna's letter No.L.R.60(1) dated 12-7-1947.

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ORDER:-

With reference to the letter cited, I am directed to state that the Government of Madras agree to make available the services of any two sitting Judges of the High Court as and when required for appointment as adjudicators in industrial disputes of major importance or of an all India nature. As regards the terms of deputation, I am to say that the Government of India may reimburse this Government with the pay and allowances including leave and pension contributions for the entire period of absence of the Judges from the Court.

Sd. x x x
6-10-1947.

Copy to the Commissioner of Labour.

True Copy/

rds/

Office Assistant,
RAS RECORD OFFICE.